

<b>Application No</b>	<b>W/34931</b>
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<b>Application Type</b>	Listed Building
<b>Proposal &amp; Location</b>	ALTERATIONS TO FRONT BOUNDARY STONE WALL TO FACILITATE A VEHICULAR ACCESS AT LAND AT MOUNTHILL, MOUNT PLEASANT, PENSARN, CARMARTHEN, SA31 2LJ

<b>Applicant(s)</b>	MR AND MRS M GRIFFITHS, MOUNT HILL, MOUNT PLEASANT, LLANGUNNOR, CARMARTHEN, SA31 2LJ
<b>Agent</b>	JCR PLANNING LTD - RICHARD BANKS, UNIT2 CROSS HANDS BUSINESS WORKSHOP, HEOL PARC MAWR, CROSS HANDS, CARMARTHENSHIRE, SA14 6RE
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Llangunnor
<b>Date of validation</b>	06/01/2017

## CONSULTATIONS

**Llangunnor Community Council** – Has no objections subject to the usual neighbour consultation and that details covered in Part 6.2 of the application being strictly enforced.

**Local Member** - County Councillor D E Williams has requested the application be presented to the Planning Committee if it were to be recommended for refusal. The following reasons were given:

- I know the original house is listed. But such is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.
- The few trees that would need to be removed, are as I understand in a relative poor condition, and might have to be felled in any case.
- Highways, have no objections on access, to or from.

**Neighbours/ Public** - The application has been publicised by the posting of a site notice and at press with 1 response having been received to date on the associated full planning application:

- Healthy trees have already been chopped down prior to the application and more would be cut down unnecessarily.
- Loss of privacy as the property would be built at a higher elevation and would be looking down and into our rear bedrooms, lounge and kitchen.
- Approximately 200 properties have been built within a quarter of a mile of the proposed site already over the last few years and so there is no need for additional properties in this area.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

W/34901	Detached dwelling house Full planning – before committee also - pending	
D4/18394	Change of Use from coach house to residential accommodation full planning permission	12 September 1989

## **APPRAISAL**

### **THE SITE**

The application site forms part of the curtilage of a listed building known as Mounthill, Llangunnor. The site fronts a C class road linking Llangunnor with Cwmffrwd. The land is relatively flat and is located forward of the existing dwelling on the site. There is a stone wall along the boundary with the road and also several mature trees. There is an existing access to the northern part of the frontage leading to the existing dwelling. There is a further access adjacent to the site on its southern side leading to a separate dwelling, again set back from the frontage. The surrounding area is primarily residential with recent housing estates having been constructed to the west and opposite the site. The site is within development limits as delineated in the Carmarthenshire LDP. An outline application was submitted last year however it was not registered due to additional information being required. Comments on the merits of the application were also made where it was indicated a recommendation of refusal would be likely.

There is an associated full planning application. The dwelling is set within its own landscaped grounds, and significantly set back from the highway frontage by a series of level gardens, with mature trees along the road frontage, set behind a natural stone wall, and entrance pillars to an access drive. The building is a late Georgian villa roughly square in plan with U-shaped roof line to a central valley, of rendered walls and hipped slate roof. Left hand ridge are 2 bricks stacks, on the right hand ridge is a stack with paired round shafts. The 4 bay front has pointed windows with small pane sashes incorporating Gothic glazing bars. The entrance is left of centre, in added gabled porch on posts. The door has blind Gothic panels and is beneath pointed over light with Y-tracery. The right side wall has pointed sash windows similar to front, and a square headed fixed pane window. The rear elevation to the L-hand gable end is two storey, incorporating service rooms, the r-hand gable set back.

Mount Hill is set within its own grounds which has a boundary stone wall with railings and gates.

## **THE PROPOSAL**

The applicant proposes to create an opening in the stone boundary wall. The purpose is to create an access for a proposed residential development within the curtilage of the listed building.

There is an associated full planning application for the construction of a detached dwelling at the site. The proposal is for a bungalow style dwelling with rooms in the roof. The dwelling would have 4 bedrooms and an integral garage. There would be 2 dormer windows proposed in the rear elevation of the dwelling. There is an access adjacent to an existing one at the southern end of the site for a separate property (Dan-y-Coed). The access and visibility splays would require works to the listed boundary wall at the road frontage of the property. It would also involve the removal of the existing trees. Amended plans were submitted following comments from the Arboriculture Officer.

A heritage statement was provided which refers to the property having been listed in 2004. The statement refers to the area of garden to be developed as having *“been covered with a small copse of mature trees, but which had been prone to disease, decay and weather damage, and thus had to be felled for safety reasons. The three specimens that remain are unfortunately also suffering from fungal decay, and as the accompanying Tree Survey concludes should be removed to avoid damaging the listed building, adjacent highway, or even the new properties off the opposite flank of the highway.”*

## **STATUTORY DUTIES, GOVERNMENT POLICIES & ADVICE, COUNTY COUNCIL POLICIES**

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that a listed building means the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed.

Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 6.1.1 of the Welsh Assembly Government’s policy document ‘Planning Policy Wales’ (January 2016) sets out the Government’s objective of ensuring that the character of the historic building is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest.

Paragraph 11 of Welsh Office Circular 61/96 that Section 16 & 66 of the Act requires authorities considering application for planning permission and listed building consent for works which affect a listed building to have special regard to the desirability of preserving the setting of the building. The setting is often an essential part of a buildings character especially if a park, garden or grounds have been laid out to complement its design and function. Also, the economic viability as well as the character of a historic building may suffer and they can be robbed of much of their interest and contribution they make to

townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other developments.

Paragraph 46 of Welsh Office Circular 61/96 states that the purpose of listing is to ensure that a building's special architectural or historic interest is fully recognised and that any works for the alteration or extension in any way which would affect its character as a listed building, are brought within statutory control.

Paragraph 66 of Welsh Office Circular states once a building has been listed under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent.

Paragraph 68 of the Circular states that while the listing of a building should not be seen as a bar to all future change, the starting point of the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraph 69 of the Welsh Office Circular 61/96 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 71 of Welsh Office Circular 61/96 states the grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. But it must be emphasised that the statutory controls apply equally to all listed buildings irrespective of what grade; and since Grade II includes some 90% of all listed buildings, representing a major element in the historic quality of towns, villages, and country side, failure to give careful scrutiny to proposals for alteration or demolition could lead widespread damage to the historic environment.

Paragraph 80 of Welsh Office Circular 61/96 states that owners of listed buildings should be encouraged to seek expert advice on the best way to carry out works to their listed buildings.

Paragraph 94 of Welsh Office Circular 61/96 states in judging the effect of any alteration it is essential to have assessed the elements that make up the special interest of the building. They may comprise of obvious visual features and the archaeological or technological interest of the surviving structure and surfaces.

Paragraph 95 of Welsh Office Circular 61/96 states that many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Paragraph 96 of Welsh Office Circular 61/96 states that listing is a material consideration, but not a reliable guide to the sensitivity of a building to alteration or extension.

Paragraph 2 of Annex D to Welsh Office Circular 61/96 states the foremost principle which should guide works to historic buildings is conserve as found.

Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use.

Paragraph 6 of Annex D to Welsh Office Circular 61/96 states alterations should be based on a proper understanding of the structure.

Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric.

SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.

- Sites and features of recognised Historical and Cultural Importance;
- Listed Buildings and their setting;
- Scheduled Ancient Monuments and other sites of recognised archaeological importance.

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

### **THIRD PARTY REPRESENTATIONS**

There has not been any objection to the Listed Building Consent submission however there was an objection received on the full application.

The Listed Building Consent and full application are before the Planning Committee at the request of the Local Member. The reasons were relating to access and trees which are not matters concerning the listed building consent. In terms of the relevant listed building consent matters the Local Member comments that he feels the application site is situated a significant distance back from the adjoining highway, leaving sufficient room for this new build, without much affecting the existing dwelling.

Comments have been made by the Conservation Officer. The recommendation is for refusal and the following comments have been made:

*“The boundary wall, railings and gates form part of the listing of Mount Hill as a consequence of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:*

*‘A listed building means that the exterior, interior of the building, any object or structure fixed to it and any curtilage structure which forms part of the land and has done since before the 1<sup>st</sup> July 1948 is listed’.*

*Therefore, the proposals to create a new opening in the boundary wall to facilitate the new development would be subject to listed building consent and planning permission.*

*To make a full assessment of applications Paragraph 69 of Welsh Office Circular 61/96 states that:*

*'Applicants for listed building consent must be able to justify their proposals. They will need to show why works which affect the character of a listed building are desirable or necessary. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or its historic interest of the building and on its setting'.*

*From the outset it has been difficult to make a full assessment as the application lacks somewhat in detailed information namely:*

- No statement of justification has been provided for the proposals.*
- The Design/Heritage Statement is not adequate as it fails to make a thorough assessment of the architectural and historic character of the building or its setting, the statutory and non-statutory frameworks for the historic built environment. The statement fails to explain why the proposals are the most suitable taking into account those contexts.*
- There is a lack of detailed drawings i.e. elevation, section drawings highlighting construction, materials and finish to make an assessment of the existing and proposed.*

*Therefore, the application falls short of the requirements expected by the Welsh Government and form part of the reasons for refusal.*

*Where it is possible to make an assessment Section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In addition, Welsh Government Circular 61/96, Welsh Government and the Local Planning Authority's own planning policies relating to the historic built environment would apply.*

*In light of the above the Officer observations are that Mount Hill is situated in its own grounds and the site consists of the building and ancillary structures to its rear. In addition, the site consists of lawned areas and trees and there is a stone boundary wall with railings and two entry points with stone piers and gates.*

*The Officer is of the opinion that evidence i.e. historical maps and on-site analysis suggests that the site today has not been subject to any significant alteration or little addition. Therefore, the site including structures, grounds are an important part of the historic character and setting of the listed building and in terms of conservation the site is sensitive.*

*The proposed works would not preserve the character and setting of the listed buildings and would have a detrimental effect.*

*With regards to the wall and railings this would affect the architectural design, construction of the listed building which is not acceptable.*

*With regards to the proposed house this would entail the dividing up of the gardens which have been laid out to complement the design and function of Mount Hill. The design proposed is such that it closely follows the design and character of the building, to the extent it would visually compete for attention with Mount Hill and distort the authenticity and reading of their individual characters.*

*In light of the above, the Officer is of the opinion that the proposals are contrary to the Statutory and Non-Statutory Framework for this historic built environment and the applications are refused as a consequence of the detrimental harm caused.*

*Therefore, the application is recommended in part for a lack of detailed information.*

*Where it is possible to make an assessment the proposals would not preserve the character or setting of the listed buildings and would have a detrimental effect. Therefore, the proposals are contrary the statutory and non-statutory frameworks for the historic environment and the application is recommended for refusal.”*

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is not acceptable.

As such the application is put forward with a recommendation of refusal.

## **RECOMMENDATION – REFUSAL**

### **REASONS FOR REFUSAL**

- 1 In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses, as required by Section 16(2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the County Council finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.
- 2 The proposed extension is not in keeping with the Welsh Assembly Government’s objective in paragraph 6.1.1 of its policy document ‘Planning Policy Wales’ (January 2016) of ensuring ‘that the character of historic buildings is safeguarded from alterations that would compromise a building’s special architectural and historic interest’ that the proposals would fail to preserve the architectural and historic character of the listed buildings and their settings.
- 3 The proposed works are not in-keeping with the requirements of paragraph 69 of Welsh Officer which states that applicants for listed building consent must be able to justify their proposals. They must provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and its setting. The application lacks detailed information namely; (a) No justification has been provided. (b) The Design and Heritage statement fails to make a thorough assessment of the architectural and historic character and setting of the building and the statutory and non-statutory frameworks for the historic built environment and explain why

proposals are the most suitable taking into account those contexts. (c) There is a lack of detailed drawings to make an assessment.

- 4 Paragraph 94 of the Circular states that in judging the effect of any alteration on a listed building it is essential to have assessed the elements that make up the special interest of the building. The harm caused by the proposals shows that there has been a lack of proper assessment of the elements that make up the listed buildings character and setting.
- 5 Paragraph 95 of the Circular states many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses. Listed buildings do vary greatly in the extent which they can accommodate change without loss of special interest. The proposals are not sensitive and would be detrimental to the character and setting of the listed buildings.
- 6 Paragraph 2 of Annex D to Welsh Office Circular 61/96 states that the foremost principle which guide works to historic building 'conserve as found'. The proposed works do not adhere to the foremost principle and would have a detrimental effect on the character and setting of the listed buildings.
- 7 Paragraph 3 of Annex D to Welsh Office Circular 61/96 states that each type of historic building has its own characteristics, which is usually related to its original or former function, and these, should be respected for alterations or change of use. The proposals do not respect elements which relate to the character and setting of the listed buildings.
- 8 Paragraph 6 of Annex D of the Circular states alterations should be based on a proper understanding of the structure. The proposals which would be detrimental to the character and setting of the listed buildings which illustrates that there is a lack of understanding of the building.
- 9 Appendix to Annex D Paragraph (a) 1 to Welsh Office Circular 61/96 states alterations to wall surfaces are usually the most damaging that happen to the overall appearance of an historic building. Alteration or repairs should respect the existing fabric. The proposed alterations to the wall and railings do not respect the architectural and historic character of the wall or its setting.
- 10 SP13 of the Local Development Plan of the Built and Historic Environment states proposals should preserve or enhance the built and historic environment of the County, it's cultural, townscape and landscape assets and where appropriate, their setting. Proposals relating to the following will be considered in accordance with national guidance and legislation.
  - Sites and features of recognised Historical and Cultural Importance;
  - Listed Buildings and their setting;
  - Scheduled Ancient Monuments and other sites of recognised archaeological importance

Proposals will be expected to promote high quality design and that reinforces local character and respects and enhances the local setting and the cultural and historic qualities of the plan area.

The County Council finds that the proposed works to the wall and railings and the proposed house would have a detrimental effect on the character and setting of the listed buildings.

### **SUMMARY FOR REASONS FOR REFUSAL**

In having special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses required by the statutory duty under section 16 (2) & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority finds that the proposed works to the wall and railings and proposed house would have a detrimental effect on the character and setting of the listed buildings.